

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE***

**Rule 5. Service and Filing of Pleadings and Other
Papers**

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(e) Filing with the Court Defined. The filing of papers

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with the court as required by these rules shall be made

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by filing them with the clerk of court, except that the

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judge may permit the papers to be filed with the judge,

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in which event the judge shall note thereon the filing

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date and forthwith transmit them to the office of the

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clerk. A court may by local rule permit or require

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papers to be filed, signed, or verified by electronic

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means that are consistent with technical standards, if

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any, that the Judicial Conference of the United States

*New material is underlined; matter to be omitted is lined through.

2 FEDERAL RULES OF CIVIL PROCEDURE

12 establishes. A paper filed by electronic means in
13 compliance with a local rule constitutes a written paper
14 for the purpose of applying these rules. The clerk shall
15 not refuse to accept for filing any
16 paper presented for that purpose solely because it is
17 not presented in proper form as required by these
18 rules or any local rules or practices.

Committee Note

Amended Rule 5(e) acknowledges that many courts have required electronic filing by means of a standing order, procedures manual, or local rule. These local practices reflect the advantages that courts and most litigants realize from electronic filing. Courts requiring electronic filing recognize the need to make exceptions for parties who cannot easily file by electronic means, and often recognize the advantage of more general “good cause” exceptions. Experience with these local practices will facilitate gradual convergence on uniform exceptions, whether in local rules or an amended Rule 5(e).